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S E C R E T SECTION 01 OF 02 AMMAN 005528

SIPDIS

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DOJ FOR OIA: SWARTZ AND FRIEDMAN
BRUSSELS FOR LEGATT

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TAGS: PREL PTER NL NO JO

SUBJECT: GOJ TO APPROACH DUTCH TO ASK THAT MULLAH KREKAR
NOT BE EXPELLED TO NORWAY

REF: A. BERRY/RUSSELL TELCON 9/25/02

- 1B. THE HAGUE 2722
- 1C. AMMAN 5398
- 1D. OSLO 2169
- 1E. THE HAGUE 2659

Classified By: DCM Gregory L. Berry for reasons 1.5 (B) and (D)

EXPELLING KREKAR TO NORWAY?

11. (S) Following ref a telcon, DCM and PolCouns September 25 called on Acting Foreign Minister Shaher Bak and Personal Assistant to Foreign Minister Muasher, Ali al-Ayed, regarding the GOJ's request for the extradition of Najmuddin Faraj Ahmad (aka Mullah Krekar) from Holland. The DCM explained that the Dutch said they were worried that, if Norway strips Krekar of his refugee status and the 3-judge panel in the October 9 extradition hearing denies Jordan's extradition request, the GONL will be forced to release Krekar -- an outcome the Dutch (and Jordanians) definitely do not want. Consequently, we understand that the GONL may attempt to expel Krekar to Norway before his refugee status/travel documents are revoked.

12. (S) Bak said that he would call the Dutch Ambassador in Amman and urge the GONL to continue with the process of extradition to Jordan (including the October 9 hearing), to consult closely with the GOJ before taking any action in the case, and to not/not expel Krekar to Norway. He instructed al-Ayed to contact the Jordanian Ambassador in the Hague, who was to deliver the same message to the GONL.

GOJ EXTRADITION REQUEST TO NORWAY IN TRAIN

13. (S) Al-Ayed confirmed in a subsequent conversation that the Jordanian Ambassador in the Hague had expressed to the Dutch MFA Jordanian concerns about the possible expulsion of Krekar to Norway. Al-Ayed said that the Dutch had advised Jordan to submit a separate extradition request for Krekar to Norway. Acting FonMin Bak also spoke to the Dutch Ambassador in Amman making similar points, and will see her on September 126. Bak also plans to see the Norwegian Ambassador in Amman separately on September 26.

14. (S) Both before and after the conversation with Bak, we talked with al-Ayed to make sure that the Jordanians understand the possible need for making a separate provisional arrest and extradition request of Norway. Al-Ayed said that the GOJ had already begun the process of requesting that Norway arrest and extradite Krekar. Finally, we understand that Jordanian GID Chief Kheir phoned PM Ali Abul Ragheb on this case September 25, and that Abul Ragheb subsequently called FonMin Marwan Muasher (who is currently in Washington) to discuss next steps. As of 1930 local September 25, we do not know what follow on actions Muasher may have taken.

TECHNICAL ISSUES RELATED TO THE EXTRADITION REQUEST

15. (S) On other related topics, during the meeting with Acting FonMin Bak, the DCM said that, even if this issue of Krekar's possible expulsion to Norway is resolved, it appears that the GOJ will still have to deal with two other technical issues related to the extradition request. First, the GOJ will have to pledge that Krekar will not receive the death penalty. Second, the GOJ will have to pledge that he will be tried only on the charges for which he is extradited, i.e. narcotics trafficking. Bak said that the GOJ is prepared to pledge that Krekar will not be given the death penalty, and that he will be tried only on the narcotics trafficking charges on which the extradition is based. He also said that he would consider recommending that Jordanian Justice Minister Faris Nabulsi contact Dutch Justice Minister Donner to express the GOJ's very strong interest in progress on

their extradition request.

16. (S) Bak commented, however, that the twenty day delay in the Dutch court proceedings may not provide sufficient time for the GOJ to prepare the more detailed extradition request.

The military prosecutor's office, Bak noted, would have to research and collect the related documents and court records, prepare the request in Arabic, translate it and the documents into English, then make sure the translations, format, and procedures were proper. He hoped the GOJ could be given more than 20 days to produce the final extradition request.

COMMENT

17. (S) The GOJ is pressing ahead with its detailed extradition request paperwork. We have offered USG assistance in reviewing the final documents to assure that they meet Dutch court standards. We recommend that the Department contact FonMin Muasher in Washington to ascertain what actions he might have taken today from Washington.

GNEHM